

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL CASE NO.: 4:20cr25-SA-JMV-1

HOWARD G. BROWER, JR.

DEFENDANT

ORDER

This matter is before the court on the defendant's [13] Motion for Reconsideration of Pretrial Detention Order Pursuant to 18 U.S.C.A. § 1342(f). The defendant bases his motion upon the current spread of the novel coronavirus disease (COVID-19) throughout the country, including in Mississippi, and upon the particular threat the disease poses to persons confined in detention facilities. The defendant requests that he be granted pretrial release under conditions the court may deem appropriate. The prosecution opposes the defendant's request. The court finds the defendant's motion is not well taken and should be denied.

The defendant is indicted for two counts of distributing five (5) grams or more of methamphetamine (actual) and two counts of distributing fifty (50) grams or more of methamphetamine (actual). Along with the serious nature of the charges, the Court referenced the defendant's lengthy criminal history that includes violent and narcotics crimes in its decision to detain.

The court's discretion to reopen a detention hearing is founded in 18 U.S.C. § 1342(f), which states as follows:

The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was

not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

Although information regarding the current public health crisis incident to the spread of COVID-19 was not known to the movant at the time of the hearing, the movant offers and the court agrees that this information, weighed against the defendant's potential danger to the community, has no material bearing on whether there are conditions of release that will reasonably assure the safety of any other person and the community, in particular.

Finally, the court has no information suggesting the defendant is among those people who, according to the Centers for Disease Control and Prevention, may be at higher risk for developing severe illness from COVID-19. *See* www.coronavirus.gov. Further, the government represents, upon information and belief, based upon information provided by the United States' Marshal Service, that there are no confirmed cases of COVID-19 at any pre-trial detention facility housing federal detainees.

THEREFORE, the defendant's Motion for Reconsideration of Pretrial Detention Order Pursuant to 18 U.S.C.A. § 1342(f) is DENIED.

SO ORDERED this, the 3rd day of April, 2020.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE